

present claimed invention is therefore patentable over Goyal in view of Kayabu for the following rationale.

### CLAIM 1

Independent Claim 1 recites an embodiment of the present invention directed to a computer-implemented method of automating categorization of data, comprising:

determining a time of day;  
referencing a time of day profile that correlates time of day  
information with data categories; and  
setting a default data category based upon the time of day and  
the time of day profile.

The cited combination fails to disclose or in any way render obvious the claimed limitation “setting a default data category based upon the time of day and the time of day profile.”

Goyal fails to teach or render obvious “setting a default data category based upon the time of day and the time of day profile.” For instance, Goyal teaches at Col. 2, lines 32-37 a “personal information manager...” based on a tag paradigm,

...which allows different types of information to be entered from a single screen display in a consistent manner, and likewise allows different types of information to be retrieved from a single screen display in a consistent manner.

For example, a person may have events that are scheduled to take place at particular times. Specifically, referring to FIG. 3, Goyal teaches a personal information manager for tracking these scheduled events in a consistent manner by associating times, such as 3:15pm, and tags, such as “A” for appointments, with text that describes the events, such as “Dental Checkup.”

Further, the tags and times are entered separately from each other. For example, at Col. 5 lines 4-5, Goyal states, "Once a time has been entered, if applicable, the user next enters a tag."

Therefore, it can be seen that there is no particular association between a particular tag and a particular time. For example, appointments could be scheduled at any time, therefore, as illustrated in FIG. 3 tag "A" is associated with times 7:30am, 8:00am, 3:15pm and 6:00pm.

Goyal does not teach "setting a default data category based upon the time of day and the time of day profile" as claimed. Assuming for the sake of argument that Goyal's tags are analogous to Claim 1's "default data category" and Goyal's "times" are analogous to Claim 1's "time of day," Goyal still fails to teach setting tags, such as "A", based upon times, such as 3:15pm.

In fact, Goyal teaches, as already stated, associating tags and times with text that describes events in a person's schedule where there is no particular association between particular tags and particular times. Therefore, Goyal does not teach "setting a default data category based upon the time of day and the time of day profile," as recited in Claim 1.

The Office Action states, "the Examiner interprets the 'current day' as the 'default category' " with regards to Col. 11, lines 21-25 of Goyal. For the sake of argument, since there is no "default category" in Claim 1, Applicant interprets this statement to mean that the Examiner interprets Claim 1's "default data category" as Goyal's "current day."

The "current day" is generally obtained from a real-time clock that is either associated with the computer the program runs on or associated with another computer with which the program communicates. In contrast, Claim 1 recites, the "default data category" is set "...based upon the time of day and the time of day

profile;" therefore, Claim 1's "default data category" cannot be analogous to Goyal's "current day."

Kayabu fails to remedy the default of Goyal and teaches a data utilizing system that categorizes database records based on periods of time and category definitions. For example, a particular computer "F0" may be in one category when computer "F0" is initially introduced into the market place, but over time as newer computers are introduced into the market place, computer "F0" may be down graded into other categories (Col. 1 lines 31-36 of Kayabu). Specifically, referring to FIG. 10b, computer "F0" may initially be categorized as a high grade machine in a first period, then categorized as an intermediate machine during a second period and subsequently categorized as a beginner's machine in a third period.

Database records containing sales information about computers may be grouped according to the categories for market analysis. For example, records containing sales information for computer "F0" during the first period are grouped together, while records containing sales information for computer "F0" during the second period are grouped together.

Kayabu like Goyal does not teach setting a default data category let alone "setting a default data category based upon the time of day and the time of day profile," as recited by Claim 1. Further, the Office Action does not even contend that Kayabu teaches "setting a default data category based upon the time of day and the time of day profile."

#### COMBINATION FAILS TO TEACH OR SUGGEST CLAIM 1

Therefore, Goyal taken in combination with Kayabu fail to disclose or suggest the method of Claim 1 because neither reference discloses "setting a

default data category based upon the time of day and the time of day profile”, as Claim 1 recites. Further, assuming the combination could be made, there is no teaching or suggestion in either reference to modify the combination to realize the claimed invention. For example, even if Goyal were combined with Kayabu, the result would be a user interface for entering and categorizing database records containing marketing information for selling computers. It is unclear what in this combination would be analogous to “a default data category” that is “... based upon the time of day and the time of day profile”, as Claim 1 recites. Further, there is no reason to modify the combination to have such a “default data category. Therefore, Applicants respectfully submit that Claim 1 should be allowed for at least the reasons discussed herein.

#### INDEPENDENT CLAIMS 9 AND 16

Independent Claim 9 recites limitations that are analogous to the limitations recited in Claim 1 except that the limitations recited in Claim 9 are directed to a palmtop computer. Therefore, Claim 9 should be allowed for at least the same reasons that Claim 1 should be allowed.

Independent Claim 16 recites limitations that are analogous to the limitations recited in Claim 1 except that the limitations recited in Claim 16 are directed to an electronic storage medium. Therefore, Claim 16 should be allowed for at least the same reasons that Claim 1 should be allowed.

#### CLAIMS THAT DEPEND ON INDEPENDENT CLAIMS 1, 9, AND 16

Claims 2 – 8 depend on Claim 1; Claims 10 – 15 depend on Claim 9; Claims 17 – 20 depend on Claim 16. Therefore, Claims 2 – 8 are allowable for the same reasons that Claim 1 is allowable, Claims 10 – 15 are allowable for the same

reasons that Claim 9 is allowable, and Claims 17 – 20 are allowable for the same reasons that Claim 16 is allowable. In addition, Claims 2-8, 10-15, and 17-20 have limitations that independently render them patentable.

For example, Claims 4 and 11 additionally recite “hiding data categorized in any other category”. Neither Goyal nor Kayabu disclose or suggest “hiding data categorized in any other category”, as recited by Claims 4 and 11. As pointed out above, the art of record does not disclose “setting a default data category based upon the time of day and the time of day profile.” Therefore, the art of record cannot possible disclose “hiding data categorized in any other category,” as recited in Claims 4 and 11.

Applicant has reviewed the following patents which were cited but not relied upon and respectfully asserts that the present claimed invention overcomes these references: US 5,570,109, US 5,457,476, US 5,602,963, US 4,551,620, US 5,864,789, US 5,899,979, US 5,917,493, US 6,345,268, US 5,983,200, and US 5,568,451.

Based on the arguments presented above, it is respectfully asserted that Claims 1-20 overcome the rejections of record and, therefore, allowance of these Claims is respectfully solicited. The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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